

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

CASEY SANCHEZ,

Plaintiff,

vs.

Cause No. 1:24-CV-1194

THE COUNTY OF RIO ARRIBA,
RIO ARRIBA COUNTY SHERIFF DEPUTY JOHN DOE I,
RIO ARRIBA COUNTY SHERIFF DEPUTY JOHN DOE II,
RIO ARRIBA COUNTY SHERIFF DEPUTY JOHN DOE III,

Defendants.

NOTICE OF REMOVAL

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant County of Rio Arriba, by counsel, YLAW, P.C. (Michael S. Jahner), gives Notice to this Court of the removal of the civil action filed in the First Judicial District for the State of New Mexico, County of Rio Arriba, Cause No. D-117-CV-2024-00375, by Plaintiff Casey Sanchez. As grounds for removal, Defendant states the following:

1. Plaintiff filed his Complaint to Recover Damages for Deprivation of Civil Rights and Rights Under the New Mexico Constitution and Tort Claims Act (hereinafter “Complaint”) with the First Judicial District Court on October 17, 2024. (Ex. A, Complaint).
2. The caption of the Complaint lists Rio Arriba County and Rio Arriba County Sheriff Deputies John Does I-III as parties-Defendants.
3. The Complaint was served on Defendant Rio Arriba County on October 30, 2024. (Ex. B, Return of Service).
4. Pursuant to section 1441(a), copies of the Complaint and all materials served upon Defendant therewith are attached as Exhibit A.

5. This Court has jurisdiction over the Complaint pursuant to 28 U.S.C. § 1331 because Plaintiff brings claims arising under the United States Constitution.

6. More specifically, the Complaint asserts claims pursuant to 42 U.S.C. § 1983 for alleged unreasonable seizure (arrest) in violation of the Fourth Amendment (Ex. A, Complaint at p. 1 and ¶¶ 19-30), excessive force in violation of the Fourth Amendment, (*id.* at ¶¶ 31-41), illegal search in violation of the Fourth Amendment (*id.* at ¶¶ 42-45), and retaliation in violation of the First Amendment (*id.* at ¶¶ 46-53).

7. Upon information and belief, none of the John Doe Defendants has been served and, therefore, their consent to removal is not required. *See* 28 U.S.C. § 1446(b)(2)(A); *Farmland Partners, Inc. v. Fortunae*, 842 F. App'x 199, 208 (10th Cir. 2021) (Briscoe, Circuit Judge, concurring) (“the district court’s jurisdiction under the federal removal statute did not depend on the consent of the Doe defendants, who were never properly served, because only properly served defendants are required to consent”).

8. A Civil Cover Sheet is attached as Exhibit C.

9. Pursuant to section 1446(d), copies of the Notice of Removal will be promptly given to all adverse parties and a copy of the Notice of Removal will be filed with the Clerk of the First Judicial District Court, State of New Mexico, County of Rio Arriba.

10. Pursuant to D.N.M. LR-Civ. 81.1(a), Defendant will file with the Clerk legible copies of records and proceedings from the state court action within twenty-eight (28) days after filing this notice of removal.

Respectfully submitted,

YLAW, P.C.

/s/ **Michael S. Jahner**

Michael S. Jahner

Attorneys for Defendant Rio Arriba County

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I hereby certify that on this 25th day
of November, 2024, I filed the foregoing
electronically and served
a copy via electronic mail to:

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Attorneys for Plaintiff

/s/ **Michael D. Jahner**

Michael S. Jahner